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Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Report of the Third Committee*

Rapporteur: Mr. Asif **Garayev** (Azerbaijan)

I. Introduction

1. At its 2nd plenary meeting, on 17 September 2010, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-fifth session, under the item entitled "Promotion and protection of human rights", the sub-item entitled "Human rights situations and reports of special rapporteurs and representatives" and to allocate it to the Third Committee.

2. The Third Committee held a general discussion on the sub-item jointly with sub-item 68 (b), "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms", at its 22nd to 35th meetings, from 20 to 22 and from 25 to 28 October 2010, and considered proposals and took action on sub-item 68 (c) at its 42nd, 47th and 48th meetings, on 4 and 18 November. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/65/SR.22-35, 42, 47 and 48).

3. For the documents before the Committee under this sub-item, see A/65/456.

4. At the 22nd meeting, on 20 October, the United Nations High Commissioner for Human Rights addressed the Committee and engaged in a dialogue with the representatives of Pakistan, Australia, Mexico, the Russian Federation, Norway, Cuba, the United States of America, Chile, Morocco, China, Switzerland, the Syrian Arab Republic, Algeria, the United Kingdom of Great Britain and Northern Ireland, Malaysia, Brazil, the Islamic Republic of Iran, Uzbekistan, Qatar, Djibouti, Benin,

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Guatemala, Costa Rica and Colombia, as well as with the observer for the European Union (see A/C.3/65/SR.22).

5. At the same meeting, the Special Adviser to the Secretary-General on Myanmar introduced the report of the Secretary-General and responded to comments made and questions posed by the representative of Myanmar (see A/C.3/65/SR.22).

6. At the 23rd meeting, on 20 October, the Special Rapporteur on the situation of human rights in Myanmar made a presentation and engaged in a dialogue with the representatives of Myanmar, China, Thailand, Switzerland, Norway, the Russian Federation, India, Maldives, the Lao People's Democratic Republic, Viet Nam, Argentina, Liechtenstein, Malaysia, the United States, the United Kingdom, Australia, the Czech Republic, Japan, Canada and Indonesia, as well as with the observer for the European Union (see A/C.3/65/SR.23).

7. At the 27th meeting, on 22 October, the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea made a presentation and engaged in a dialogue with the representatives of the Democratic People's Republic of Korea, the United States, the Republic of Korea, Japan, the United Kingdom, China, Canada, Switzerland and Australia, as well as with the observer for the European Union (see A/C.3/65/SR.27).

II. Consideration of proposals

A. Draft resolution A/C.3/65/L.47

8. At the 42nd meeting, on 4 November, the representative of Belgium, on behalf of Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Monaco, Montenegro, the Netherlands, New Zealand, Norway, Palau, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, Samoa, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Tuvalu, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution entitled "Situation of human rights in the Democratic People's Republic of Korea" (A/C.3/65/L.47).

9. At the 47th meeting, on 18 November, statements were made by the representatives of the Democratic People's Republic of Korea, Belarus and Japan (see A/C.3/65/SR.47).

10. At the same meeting, the Committee adopted draft resolution A/C.3/65/L.47 by a recorded vote of 100 to 18, with 60 abstentions (see para. 25, draft resolution I). The voting was as follows:[1]

[1] The delegations of Chile, Somalia and Tuvalu indicated during the voting procedure that they had intended to vote in favour; the delegation of Georgia subsequently indicated that, had it been present during the vote, it would have voted in favour.

In favour:

Afghanistan, Albania, Andorra, Argentina, Australia, Austria, Bahamas, Bahrain, Belgium, Belize, Benin, Bhutan, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burundi, Canada, Central African Republic, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, El Salvador, Eritrea, Estonia, Fiji, Finland, France, Germany, Ghana, Greece, Guatemala, Honduras, Hungary, Iceland, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kiribati, Latvia, Lebanon, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Maldives, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Morocco, Nauru, Netherlands, New Zealand, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, Samoa, San Marino, Sao Tome and Principe, Seychelles, Sierra Leone, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu.

Against:

Algeria, Belarus, China, Cuba, Democratic People's Republic of Korea, Egypt, Iran (Islamic Republic of), Libyan Arab Jamahiriya, Malaysia, Myanmar, Oman, Russian Federation, Sudan, Syrian Arab Republic, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Zimbabwe.

Abstaining:

Angola, Antigua and Barbuda, Azerbaijan, Bangladesh, Barbados, Bolivia (Plurinational State of), Brunei Darussalam, Burkina Faso, Cambodia, Cameroon, Cape Verde, Colombia, Comoros, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Dominican Republic, Ecuador, Ethiopia, Gabon, Gambia, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lesotho, Mali, Mauritius, Mozambique, Namibia, Nepal, Nicaragua, Niger, Nigeria, Pakistan, Philippines, Qatar, Rwanda, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Singapore, South Africa, Sri Lanka, Suriname, Swaziland, Tajikistan, Thailand, Trinidad and Tobago, Uganda, Yemen, Zambia.

11. Before the vote, statements were made by the representatives of Costa Rica, Cuba, the Libyan Arab Jamahiriya, the Bolivarian Republic of Venezuela, Viet Nam, China, Zimbabwe, Malaysia and Nepal; after the vote, statements were made by the representatives of Brazil, Benin, Indonesia, India and Singapore (see A/C.3/65/SR.47).

B. Draft resolution A/C.3/65/L.48 and Rev.1

12. At the 42nd meeting, on 4 November, the representative of Belgium, on behalf of Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, the

Netherlands, New Zealand, Norway, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution entitled "Situation of human rights in Myanmar" (A/C.3/65/L.48), which read:

"*The General Assembly*,

"*Guided* by the Charter of the United Nations and the Universal Declaration of Human Rights, and recalling the International Covenants on Human Rights and other relevant human rights instruments,

"*Reaffirming* that all Member States have an obligation to promote and protect human rights and fundamental freedoms and the duty to fulfil the obligations they have undertaken under the various international instruments in this field,

"*Reaffirming also* its previous resolutions on the situation of human rights in Myanmar, the most recent of which is resolution 64/238 of 24 December 2009, those of the Commission on Human Rights, and the resolutions of the Human Rights Council, the most recent of which are 12/20 of 2 October 2009, and 13/25 of 26 March 2010,

"*Welcoming* the statements made by the President of the Security Council on 11 October 2007 and 2 May 2008, and the Security Council statements to the press of 22 May 2009 and 13 August 2009,

"*Welcoming also* the report of the Secretary-General on the situation of human rights in Myanmar and the observations contained therein, and recalling his visit to the country on 3 and 4 July 2009, and the visits of his Special Adviser on Myanmar from 31 January to 3 February and on 26 and 27 June 2009, respectively, while regretting that no further visits have been allowed to take place in the course of the past year for the purpose of the good offices mission,

"*Welcoming further* the reports of the Special Rapporteur on the situation of human rights in Myanmar and urging the implementation of the recommendations contained therein and those in previous reports, while regretting that a request by the Special Rapporteur, for a follow-up visit has been rejected by the Government of Myanmar,

"*Deeply concerned* that the urgent calls contained in the above-mentioned resolutions, as well as the statements of other United Nations bodies concerning the situation of human rights in Myanmar, have not been met, and emphasizing that, without significant progress towards meeting these calls of the international community, the situation of human rights in Myanmar will continue to give cause for the gravest concern,

"*Deeply concerned also* at restrictions to effective and genuine participation of the representatives of the National League for Democracy, other political parties, pro-democracy actors, ethnic minorities and other relevant stakeholders in a genuine process of dialogue, national reconciliation and transition to democracy,

"*Calling upon* the Government of Myanmar to cooperate with the international community in order to achieve concrete progress with regard to human rights and fundamental freedoms, and political processes,

"*Deeply regretting* that the Government of Myanmar has not taken the necessary steps to ensure a free, fair, transparent and inclusive electoral process, and expressing its serious concern at the electoral laws as enacted and implemented by the Government and the restrictions imposed, including those placed on the registration of voters, parties and candidates, the detention of political activists, the restrictions on free and balanced reporting and on freedom of assembly, the limited access to media, funding and campaigning possibilities, the reported incidents of official intimidation, the cancellation of elections in certain ethnic areas, and the lack of independence of the electoral commission,

"1. *Strongly condemns* the ongoing systematic violations of human rights and fundamental freedoms of the people of Myanmar;

"2. *Expresses grave concern* at the continued arbitrary house arrest of Daw Aung San Suu Kyi, and calls for her immediate and unconditional release;

"3. *Strongly urges* the Government of Myanmar, while noting the release from house arrest of U Tin Oo, the Vice-Chairman of the National League for Democracy, to release all prisoners of conscience, currently estimated at more than 2,100, including the Chairman of the Shan Nationalities League for Democracy, U Hkun Htun Oo, the leader of the 88 Generation Students Group, U Min Ko Naing, and one of the founders of the 88 Generation Students Group, Ko Ko Gyi, without delay and without conditions and allow their full participation in the political process, and strongly calls upon the Government of Myanmar to reveal the whereabouts of persons who are detained or have been subjected to enforced disappearance, and to desist from further politically motivated arrests;

"4. *Reaffirms* the essential importance of a genuine process of dialogue and national reconciliation for a transition to democracy, regrets, in this regard, that the Government of Myanmar did not seize the opportunity to develop a substantive and meaningful dialogue with Daw Aung San Suu Kyi, and calls on the new Government of Myanmar to take immediate measures to undertake a genuine dialogue with Daw Aung San Suu Kyi and all other concerned parties, civil society groups and ethnic groups, and to permit them to consult freely among each other and with other domestic stakeholders;

"5. *Strongly urges* the Government of Myanmar to ensure free, fair, transparent and inclusive elections and calls on the Government to allow independent foreign and local journalists to freely observe and report on the elections as well as subsequent political developments;

"6. *Strongly calls upon* the Government of Myanmar to lift restrictions on the freedom of assembly, association, movement and freedom of expression, including for free and independent media, including through the openly available and accessible use of Internet and mobile telephone services, and ending the use of censorship, including the use of restrictive laws to prevent the reporting of views critical of the Government;

"7. *Expresses grave concern* at the continuing practice of arbitrary detentions, enforced disappearances, rape and other forms of sexual violence, torture and cruel, inhuman or degrading treatment or punishment, and urges the Government of Myanmar to undertake without further delay a full, transparent, effective, impartial and independent investigation into all reports of human rights violations, and to bring to justice those responsible in order to end impunity for violations of human rights, and, regretting that previous calls to that effect have not been heeded, calls on the Government to do so as a matter of priority and, if necessary, drawing on assistance of the United Nations;

"8. *Calls upon* the Government of Myanmar to undertake a transparent, inclusive and comprehensive review of compliance of the Constitution and all national legislation with international human rights law, while fully engaging with democratic opposition, civil society groups, ethnic groups and other stakeholders, while recalling once more that the procedures established for the drafting of the Constitution resulted in a de facto exclusion of opposition groups from the process;

"9. *Urges* the Government of Myanmar to ensure the independence and impartiality of the judiciary and to guarantee due process of law, and to fulfil earlier assurances made to the Special Rapporteur on the situation of human rights in Myanmar to begin a dialogue on judicial reform;

"10. *Expresses concern* about the conditions in prisons and other detention facilities, and consistent reports of ill-treatment of prisoners of conscience, including torture, and about the moving of prisoners of conscience to isolated prisons far from their families where they cannot receive food and medicine;

"11. *Expresses deep concern* about the risk of further armed conflict in some areas as a result of continued pressures imposed by the national authorities on certain ethnic groups and the exclusion of some key ethnic political parties from the election process, and calls upon the Government of Myanmar to protect the civilian population in all parts of the country and for all concerned to respect existing ceasefire agreements;

"12. *Strongly calls upon* the Government of Myanmar to take urgent measures to put an end to continuing grave violations of international human rights and humanitarian law, including the targeting of persons based on their belonging to particular ethnic groups, the targeting of civilians as such in military operations, and rape and other forms of sexual violence, and to end impunity for such acts;

"13. *Also strongly calls upon* the Government of Myanmar to end the practice of systematic forced displacement of large numbers of persons within their country and other causes of refugee flows into neighbouring countries;

"14. *Expresses its concern* about the continuing discrimination, human rights violations, violence, displacement and economic deprivation affecting numerous ethnic minorities, including, but not limited to, the Rohingya ethnic minority in Northern Rakhine State, and calls upon the Government of Myanmar to take immediate action to bring about an improvement in their respective situations, and to grant citizenship to the Rohingya ethnic minority;

"15. *Urges* the Government of Myanmar to provide, in cooperation with the Office of the United Nations High Commissioner for Human Rights, adequate human rights and international humanitarian law training for its armed forces, police and prison personnel, to ensure their strict compliance with international human rights law and international humanitarian law and to hold them accountable for any violations thereof;

"16. *Calls upon* the Government of Myanmar to consider ratifying and acceding to remaining international human rights treaties, which would enable a dialogue with the other human rights treaty bodies;

"17. *Also calls upon* the Government of Myanmar to allow human rights defenders to pursue their activities unhindered and to ensure their safety, security and freedom of movement in that pursuit;

"18. *Strongly calls upon* the Government of Myanmar to put an immediate end to the continuing recruitment and use of child soldiers in violation of international law by all parties, to intensify measures to ensure the protection of children from armed conflict, to pursue its collaboration with the Special Representative of the Secretary-General for Children and Armed Conflict, to swiftly conclude and implement the new joint action plan for the national armed forces, to facilitate access for dialogue on action plans with other parties listed in the annual Secretary-General report on children and armed conflict, and to allow unrestricted access to all areas where children are recruited for these purposes;

"19. *Notes with appreciation* the prolongation of the supplementary understanding between the International Labour Organization and the Government of Myanmar to eliminate the use of forced labour, and that some steps — particularly in relation to awareness-raising — have been taken with regard to it, but expresses grave concern at the continuing practice of forced labour, and calls on the Government to intensify its cooperation with the International Labour Organization on the basis of the understanding, with a view to extending action against forced labour as widely as possible throughout the country and to fully implementing with urgency the recommendations of the Commission of Inquiry of the International Labour Organization;

"20. *Welcomes* the agreement between the Government of Myanmar and the United Nations on a two-year joint humanitarian initiative for Northern Rakhine State, and, in view of ongoing humanitarian needs throughout the country, encourages the Government to ensure that such cooperation is extended to other regions;

"21. *Calls upon* the Government of Myanmar to ensure timely, safe, full and unhindered access to all parts of Myanmar, including conflict and border areas, for the United Nations, international humanitarian organizations and their partners, and, taking into account the need for a swift facilitation of requests for visa and in country travel permission, encourages the Government to build on the experience of the Tripartite Core Group and to continue its cooperation to allow humanitarian assistance to reach all persons in need throughout the country, including displaced persons;

"22. *Encourages* the Government of Myanmar to resume its humanitarian dialogue with the International Committee of the Red Cross and to allow it to carry out its activities according to its mandate, in particular by granting access to persons detained and to areas of internal armed conflict;

"23. *Encourages* the Government of Myanmar to continue to cooperate with international health entities on HIV/AIDS, malaria and tuberculosis;

"24. *Reaffirms its full support* for the good offices of the Secretary-General pursued through his Special Adviser on Myanmar, consistent with the report of the Secretary-General on the situation of human rights in Myanmar, and urges the Government of Myanmar to cooperate fully with the good offices mission, including by facilitating the visits of the Special Adviser to the country and granting him unrestricted access to all relevant stakeholders, including the highest level of leadership within the army, political parties, human rights defenders, representatives of ethnic groups, student leaders and other opposition groups, and to respond substantively and without delay to the proposals of the Secretary-General, including the establishment of a United Nations office in support of the mandate of the good offices;

"25. *Welcomes* the role played by countries neighbouring Myanmar and members of the Association of Southeast Asian Nations in support of the good offices mission of the Secretary-General;

"26. *Welcomes also* the continued contribution of the Group of Friends of the Secretary-General on Myanmar in support of the work of the good offices mission;

"27. *Urges* the Government of Myanmar to respond favourably to the Special Rapporteur's requests to visit the country, and to cooperate fully with him in the exercise of his work as mandated by the Human Rights Council, and to implement the four core human rights elements recommended by the Special Rapporteur;

"28. *Calls upon* the Government of Myanmar to engage in a dialogue with the Office of the United Nations High Commissioner for Human Rights with a view to ensuring full respect for all human rights and fundamental freedoms;

"29. *Welcomes* the recent workshop held in cooperation with the Office of the United Nations High Commissioner for Human Rights in view of the upcoming universal periodic review by the Human Rights Council, encourages the Government of Myanmar to seek further technical cooperation in preparation of the universal periodic review and to cooperate fully and constructively throughout the process;

"30. *Requests* the Secretary-General:

"(a) To continue to provide his good offices and to pursue his discussions on the situation of human rights, the transition to democracy and the national reconciliation process with the Government and the people of Myanmar, involving all relevant stakeholders, including democracy and human rights groups, and to offer technical assistance to the Government in this regard;

"(b) To give all necessary assistance to enable the Special Adviser and the Special Rapporteur to discharge their mandates fully and effectively;

"(c) To report to the General Assembly at its sixty-sixth session, as well as to the Human Rights Council, on the progress made in the implementation of the present resolution;

"31. *Decides* to review progress of the implementation of the present resolution when continuing the consideration of the question at its sixty-sixth session, on the basis of the reports of the Secretary-General and the Special Rapporteur."

13. At its 47th meeting, on 18 November, the Committee had before it a revised draft resolution entitled "Situation of human rights in Myanmar" (A/C.3/65/L.48/Rev.1), submitted by the sponsors of A/C.3/65/L.48 and Turkey.

14. At the same meeting, the attention of the Committee was drawn to the programme budget implications of the revised draft resolution, contained in document A/C.3/65/L.64/Rev.1.

15. Statements were made by the representatives of Egypt, on behalf of the Non-Aligned Movement, and Myanmar (see A/C.3/65/SR.47).

16. Also at the same meeting, the Committee adopted draft resolution A/C.3/65/L.48/Rev.1 by a recorded vote of 96 to 28, with 60 abstentions (see para. 25, draft resolution II). The voting was as follows:

In favour:

Afghanistan, Albania, Andorra, Argentina, Armenia, Australia, Austria, Bahamas, Belgium, Belize, Bosnia and Herzegovina, Botswana, Bulgaria, Burundi, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, El Salvador, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Guyana, Honduras, Hungary, Iceland, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kiribati, Latvia, Lebanon, Liberia, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Morocco, Nauru, Netherlands, New Zealand, Nigeria, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, Samoa, San Marino, Sao Tome and Principe, Seychelles, Sierra Leone, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Togo, Tonga, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu.

Against:

Algeria, Azerbaijan, Bahrain, Bangladesh, Belarus, Brunei Darussalam, Cambodia, China, Cuba, Democratic People's Republic of Korea, Egypt, India, Iran (Islamic Republic of), Lao People's Democratic Republic, Libyan Arab Jamahiriya, Malaysia, Myanmar, Nicaragua, Oman, Russian Federation, Somalia, Sri Lanka, Sudan, Syrian Arab Republic, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Zimbabwe.

Abstaining:

Angola, Antigua and Barbuda, Barbados, Benin, Bhutan, Bolivia (Plurinational State of), Brazil, Burkina Faso, Cameroon, Cape Verde, Central African Republic, Colombia, Comoros, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Grenada, Guatemala, Guinea, Guinea-Bissau, Haiti, Indonesia, Jordan, Kenya, Kuwait, Kyrgyzstan, Lesotho, Madagascar, Mali, Mozambique, Namibia, Nepal, Niger, Pakistan, Philippines, Qatar, Rwanda, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Singapore, Suriname, Swaziland, Tajikistan, Thailand, Timor-Leste, Trinidad and Tobago, Uganda, United Arab Emirates, Yemen, Zambia.

17. Before the vote, statements were made by the representatives of the Russian Federation, China, Viet Nam, the Bolivarian Republic of Venezuela, the Philippines, Malaysia, Cuba, India, Thailand and the Libyan Arab Jamahiriya; after the vote, statements were made by the representatives of Brazil, Japan, Myanmar, Indonesia and Bangladesh (see A/C.3/65/SR.47).

C. Draft resolution A/C.3/65/L.49

18. At the 42nd meeting, on 4 November, the representative of Canada, on behalf of Australia, Austria, Andorra, Belgium, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Monaco, the Netherlands, New Zealand, Norway, Palau, Poland, Portugal, the Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution entitled "Situation of human rights in the Islamic Republic of Iran" (A/C.3/65/L.49).

19. At the 48th meeting, on 18 November, the representative of the Islamic Republic of Iran moved for the adjournment of the debate on the draft resolution, under rule 116 of the rules of procedure of the General Assembly.

20. Statements in favour of the motion were made by the representatives of the Bolivarian Republic of Venezuela and the Syrian Arab Republic; statements against the motion were made by the representatives of Canada and Iceland (also on behalf of Andorra, Argentina, Australia, Liechtenstein, Palau and San Marino) (see A/C.3/65/SR.48).

21. The motion was rejected by a recorded vote of 91 to 51, with 32 abstentions. The voting was as follows:

In favour:

Afghanistan, Algeria, Angola, Azerbaijan, Bahrain, Belarus, Bolivia (Plurinational State of), Brunei Darussalam, Cambodia, Central African Republic, China, Comoros, Cuba, Democratic People's Republic of Korea, Egypt, Eritrea, Indonesia, Iran (Islamic Republic of), Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mali, Mauritania, Myanmar, Namibia, Nicaragua, Oman, Pakistan, Qatar, Russian Federation, Saudi Arabia, Senegal, Singapore, Somalia, Sri Lanka, Sudan,

Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Tunisia, Turkmenistan, Uganda, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Zimbabwe.

Against:

Albania, Andorra, Argentina, Australia, Austria, Bahamas, Belgium, Belize, Bosnia And Herzegovina, Bulgaria, Burundi, Canada, Cape Verde, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Gambia, Germany, Greece, Guatemala, Haiti, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kiribati, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Maldives, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Nauru, Netherlands, New Zealand, Niger, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Rwanda, Saint Lucia, Samoa, San Marino, Sao Tome and Principe, Seychelles, Sierra Leone, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Tonga, Trinidad and Tobago, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu.

Abstaining:

Antigua and Barbuda, Barbados, Benin, Bhutan, Botswana, Brazil, Burkina Faso, Cameroon, Côte d'Ivoire, Ethiopia, Gabon, Ghana, Guinea, Guinea-Bissau, Guyana, India, Jamaica, Jordan, Kazakhstan, Kenya, Lesotho, Malawi, Mozambique, Nepal, Nigeria, Philippines, Saint Kitts and Nevis, Saint Vincent and the Grenadines, South Africa, Togo, United Republic of Tanzania, Zambia.

22. At the same meeting, statements were made by the representatives of Canada, Egypt (on behalf of the Non-Aligned Movement), the Islamic Republic of Iran, the Syrian Arab Republic, Tajikistan, the Sudan and Cuba (see A/C.3/65/SR.48).

23. Also at its 48th meeting, the Committee adopted draft resolution A/C.3/65/L.49 by a recorded vote of 80 to 44, with 57 abstentions (see para. 25, draft resolution III). The voting was as follows:

In favour:

Albania, Andorra, Argentina, Australia, Austria, Bahamas, Belgium, Belize, Bosnia and Herzegovina, Botswana, Bulgaria, Canada, Cape Verde, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, El Salvador, Estonia, Finland, France, Gambia, Germany, Greece, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kiribati, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Nauru, Netherlands, New Zealand, Norway, Palau, Panama, Papua New Guinea, Peru, Poland, Portugal, Republic of Moldova, Romania, Rwanda, Saint Lucia, Samoa, San Marino, Sao Tome and Principe, Seychelles, Sierra Leone, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Tonga, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Vanuatu.

Against:

Afghanistan, Algeria, Armenia, Azerbaijan, Bahrain, Belarus, Bolivia (Plurinational State of), Brunei Darussalam, China, Comoros, Cuba, Democratic People's Republic of Korea, Egypt, Eritrea, Guinea, Indonesia, Iran (Islamic Republic of), Kazakhstan, Kuwait, Kyrgyzstan, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mauritania, Myanmar, Nicaragua, Niger, Oman, Pakistan, Qatar, Russian Federation, Senegal, Somalia, Sri Lanka, Sudan, Syrian Arab Republic, Tajikistan, Tunisia, Turkmenistan, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Zimbabwe.

Abstaining:

Angola, Antigua and Barbuda, Barbados, Benin, Bhutan, Brazil, Burkina Faso, Burundi, Cambodia, Cameroon, Central African Republic, Colombia, Congo, Côte d'Ivoire, Djibouti, Ecuador, Ethiopia, Fiji, Gabon, Ghana, Grenada, Guatemala, Guinea-Bissau, Guyana, Haiti, India, Jamaica, Jordan, Kenya, Lao People's Democratic Republic, Lesotho, Malawi, Mali, Mauritius, Mongolia, Morocco, Mozambique, Namibia, Nepal, Nigeria, Paraguay, Philippines, Republic of Korea, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, South Africa, Suriname, Swaziland, Thailand, Togo, Trinidad and Tobago, Uganda, United Republic of Tanzania, Uruguay, Zambia.

24. Before the vote, statements were made by the representatives of the Bolivarian Republic of Venezuela and the Libyan Arab Jamahiriya; after the vote, statements were made by the representatives of Barbados, Japan, Brazil, Ecuador and the Islamic Republic of Iran (see A/C.3/65/SR.48).

III. Recommendations of the Third Committee

25. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Situation of human rights in the Democratic People's Republic of Korea

The General Assembly,

Reaffirming that States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations that they have undertaken under the various international instruments,

Mindful that the Democratic People's Republic of Korea is a party to the International Covenant on Civil and Political Rights,[1] the International Covenant on Economic, Social and Cultural Rights,[1] the Convention on the Rights of the Child[2] and the Convention on the Elimination of All Forms of Discrimination against Women,[3]

Noting the universal periodic review of the Democratic People's Republic of Korea, in December 2009, and hoping that the review will encourage the engagement of the Democratic People's Republic of Korea in international cooperative efforts in the field of human rights so as to contribute to improving the situation of human rights in the country,

Recalling the concluding observations of the treaty-monitoring bodies under the four treaties to which the Democratic People's Republic of Korea is a party,

Noting with appreciation the collaboration established between the Government of the Democratic People's Republic of Korea and the United Nations Children's Fund and the World Health Organization in order to improve the health situation in the country, and the collaboration established with the United Nations Children's Fund in order to improve the quality of education for children,

Noting the decision on the resumption, on a modest scale, of the activities of the United Nations Development Programme in the Democratic People's Republic of Korea, and encouraging the engagement of the Government with the international community to ensure that the programmes benefit the persons in need of assistance,

Recalling its resolutions 60/173 of 16 December 2005, 61/174 of 19 December 2006, 62/167 of 18 December 2007, 63/190 of 18 December 2008 and 64/175 of 18 December 2009, Commission on Human Rights resolutions 2003/10 of 16 April 2003,[4] 2004/13 of 15 April 2004[5] and 2005/11 of 14 April 2005,[6] Human Rights

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[1] See resolution 2200 A (XXI), annex.

[2] United Nations, *Treaty Series*, vol. 1577, No. 27531.

[3] Ibid., vol. 1249, No. 20378.

[4] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[5] Ibid., *2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[6] Ibid., *2005, Supplement No. 3* and corrigenda (E/2005/23 and Corr.1 and 2), chap. II, sect. A.

Council decision 1/102 of 30 June 2006[7] and Council resolutions 7/15 of 27 March 2008,[8] 10/16 of 26 March 2009[9] and 13/14 of 25 March 2010,[10] and mindful of the need for the international community to strengthen its coordinated efforts aimed at achieving the implementation of those resolutions,

Noting that the Democratic People's Republic of Korea did agree to a survey of the food situation by the Food and Agriculture Organization of the United Nations and the World Food Programme,

Taking note of the report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea,[11] regretting that he still has not been allowed to visit the country and that he received no cooperation from the authorities of the Democratic People's Republic of Korea, and taking note also of the comprehensive report of the Secretary-General on the situation of human rights in the Democratic People's Republic of Korea submitted in accordance with resolution 64/175,[12]

Noting the importance of the inter-Korean dialogue, which could contribute to the improvement of the human rights and humanitarian situation in the country,

Taking note with appreciation of the recent reunion of separated families across the border, which is an urgent humanitarian concern of the entire Korean people, and hoping that necessary arrangements for further reunions on a larger scale and regular basis will be made as early as possible between the Democratic People's Republic of Korea and the Republic of Korea,

1. *Expresses its very serious concern* at:

(a) The persistence of continuing reports of systematic, widespread and grave violations of civil, political, economic, social and cultural rights in the Democratic People's Republic of Korea, including:

(i) Torture and other cruel, inhuman or degrading treatment or punishment, including inhuman conditions of detention, public executions, extrajudicial and arbitrary detention; the absence of due process and the rule of law, including fair trial guarantees and an independent judiciary; the imposition of the death penalty for political and religious reasons; collective punishments; and the existence of a large number of prison camps and the extensive use of forced labour;

(ii) Limitations imposed on every person who wishes to move freely within the country and travel abroad, including the punishment of those who leave or try to leave the country without permission, or their families, as well as punishment of persons who are returned;

(iii) The situation of refugees and asylum-seekers expelled or returned to the Democratic People's Republic of Korea and sanctions imposed on citizens of

[7] See *Official Records of the General Assembly, Sixty-first Session, Supplement No. 53* (A/61/53), chap. II, sect. B.

[8] Ibid., *Sixty-third Session, Supplement No. 53* (A/63/53), chap. II.

[9] Ibid., *Sixty-fourth Session, Supplement No. 53* (A/64/53), chap. II, sect. A.

[10] Ibid., *Sixty-fifth Session, Supplement No. 53* and corrigendum (A/65/53 and Corr.1), chap. II, sect. A.

[11] A/65/364.

[12] A/65/391.

the Democratic People's Republic of Korea who have been repatriated from abroad, leading to punishments of internment, torture, cruel, inhuman or degrading treatment or the death penalty, and, in this regard, urges all States to respect the fundamental principle of non-refoulement, to treat those who seek refuge humanely and to ensure unhindered access to the United Nations High Commissioner for Refugees and his Office, with a view to improving the situation of those who seek refuge, and once again urges States parties to comply with their obligations under the 1951 Convention relating to the Status of Refugees[13] and the 1967 Protocol thereto[14] in relation to refugees from the Democratic People's Republic of Korea who are covered by those instruments;

(iv) All-pervasive and severe restrictions on the freedoms of thought, conscience, religion, opinion and expression, peaceful assembly and association, the right to privacy and equal access to information, by such means as the persecution of individuals exercising their freedom of opinion and expression, and their families, and on the right of everyone to take part in the conduct of public affairs, directly or through freely chosen representatives, of his or her country;

(v) The violations of economic, social and cultural rights, which have led to severe malnutrition, widespread health problems and other hardship for the population in the Democratic People's Republic of Korea, in particular for persons belonging to particularly exposed groups, inter alia, women, children and the elderly;

(vi) Continuing violations of the human rights and fundamental freedoms of women, in particular the trafficking of women for the purpose of prostitution or forced marriage and the subjection of women to human smuggling, forced abortions, gender-based discrimination, including in the economic sphere, and gender-based violence;

(vii) Continuing reports of violations of the human rights and fundamental freedoms of children, in particular the continued lack of access to basic economic, social and cultural rights for many children, and in this regard notes the particularly vulnerable situation faced by, inter alia, returned or repatriated children, street children, children with disabilities, children whose parents are detained, children living in detention or in institutions and children in conflict with the law;[15]

(viii) Continuing reports of violations of the human rights and fundamental freedoms of persons with disabilities, especially on the use of collective camps and of coercive measures that target the rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children;

(ix) Violations of workers' rights, including the right to freedom of association and collective bargaining, the right to strike as defined by the obligations of the Democratic People's Republic of Korea under the International Covenant on Economic, Social and Cultural Rights,[1] and the prohibition of the economic exploitation of children and of any harmful or

[13] United Nations, *Treaty Series*, vol. 189, No. 2545.

[14] Ibid., vol. 606, No. 8791.

[15] See CRC/C/PRK/CO/4.

hazardous work of children as defined by the obligations of the Democratic People's Republic of Korea under the Convention on the Rights of the Child;[2]

(b) The continued refusal of the Government of the Democratic People's Republic of Korea to recognize the mandate of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea or to extend cooperation to him, despite the renewal of the mandate by the Human Rights Council in its resolutions 7/15,[8] 10/16[9] and 13/14;[10]

(c) The refusal of the Government of the Democratic People's Republic of Korea to articulate which recommendations enjoyed its support following its universal periodic review at the Human Rights Council, and regrets the lack of actions taken to date to implement the recommendations contained in the final outcome;

2. *Reiterates its very serious concern* at unresolved questions of international concern relating to abductions in the form of enforced disappearance, which violates the human rights of nationals of other sovereign countries, and in this regard strongly calls upon the Government of the Democratic People's Republic of Korea urgently to resolve these questions, including through existing channels, in a transparent manner, including by ensuring the immediate return of abductees;

3. *Expresses its very deep concern* at the precarious humanitarian situation in the country, partly as a result of frequent natural disasters, compounded by the misallocation of resources away from the satisfaction of basic needs, and the increasing State restrictions on the cultivation and trade in foodstuffs, as well as the prevalence of chronic malnutrition particularly among the most vulnerable groups, pregnant women, infants and the elderly, which, despite some progress, continues to affect the physical and mental development of a significant proportion of children, and urges the Government of the Democratic People's Republic of Korea, in this regard, to take preventive and remedial action, cooperating where necessary with international donor agencies and in accordance with international standards for monitoring humanitarian assistance;

4. *Commends* the Special Rapporteur for the activities undertaken so far and for his continued efforts in the conduct of his mandate despite the limited access to information;

5. *Strongly urges* the Government of the Democratic People's Republic of Korea to respect fully all human rights and fundamental freedoms and, in this regard:

(a) To immediately put an end to the systematic, widespread and grave violations of human rights mentioned above, inter alia, by implementing fully the measures set out in the above-mentioned resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council, and the recommendations addressed to the Democratic People's Republic of Korea by the Human Rights Council in the context of the universal periodic review and the United Nations special procedures and treaty bodies;

(b) To protect its inhabitants, address the issue of impunity and ensure that those responsible for violations of human rights are brought to justice before an independent judiciary;

(c) To tackle the root causes leading to refugee outflows and prosecute those who exploit refugees by human smuggling, trafficking and extortion, while not criminalizing the victims, and to ensure that citizens of the Democratic People's Republic of Korea expelled or returned to the Democratic People's Republic of Korea are able to return in safety and dignity, are humanely treated and are not subjected to any kind of punishment;

(d) To extend its full cooperation to the Special Rapporteur, including by granting him full, free and unimpeded access to the Democratic People's Republic of Korea, and to other United Nations human rights mechanisms so that a full needs assessment of the human rights situation may be made;

(e) To engage in technical cooperation activities in the field of human rights with the United Nations High Commissioner for Human Rights and her Office, as pursued by the High Commissioner in recent years, with a view to improving the situation of human rights in the country, and strive to implement the recommendations made in the universal periodic review by the Human Rights Council;

(f) To engage in cooperation with the International Labour Organization with a view to significantly improving workers' rights;

(g) To continue and reinforce its cooperation with United Nations humanitarian agencies;

(h) To ensure full, safe and unhindered access to humanitarian aid and take measures to allow humanitarian agencies to secure its impartial delivery to all parts of the country on the basis of need in accordance with humanitarian principles, as it pledged to do, and to ensure access to adequate food and implement food security policies, including through sustainable agriculture;

(i) To improve cooperation with the United Nations country team and development agencies so that they can directly contribute to improving the living conditions of the civilian population, including accelerating progress towards the achievement of the Millennium Development Goals, in accordance with international monitoring and evaluation procedures;

6. *Decides* to continue its examination of the situation of human rights in the Democratic People's Republic of Korea at its sixty-sixth session, and to this end requests the Secretary-General to submit a comprehensive report on the situation in the Democratic People's Republic of Korea and requests the Special Rapporteur to continue to report his findings and recommendations.

Draft resolution II
Situation of human rights in Myanmar

The General Assembly,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,[1] and recalling the International Covenants on Human Rights[2] and other relevant human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and the duty to fulfil the obligations they have undertaken under the various international instruments in this field,

Reaffirming also its previous resolutions on the situation of human rights in Myanmar, the most recent of which is resolution 64/238 of 24 December 2009, those of the Commission on Human Rights, and the resolutions of the Human Rights Council, the most recent of which are 12/20 of 2 October 2009,[3] and 13/25 of 26 March 2010,[4]

Welcoming the statements made by the President of the Security Council on 11 October 2007 and 2 May 2008,[5] and the Security Council statements to the press of 22 May 2009 and 13 August 2009,[6]

Welcoming also the report of the Secretary-General on the situation of human rights in Myanmar and the observations contained therein,[7] and recalling his visit to the country on 3 and 4 July 2009, and the visits of his Special Adviser on Myanmar from 31 January to 3 February and on 26 and 27 June 2009, respectively, while regretting that no further visits have been allowed in the course of the past year for the purpose of the good offices mission,

Welcoming further the reports of the Special Rapporteur on the situation of human rights in Myanmar and urging the implementation of the recommendations contained therein[8] and those in previous reports, while regretting that a request by the Special Rapporteur for a follow-up visit has been rejected by the Government of Myanmar,

Deeply concerned that the urgent calls contained in the above-mentioned resolutions, as well as the statements of other United Nations bodies concerning the situation of human rights in Myanmar, have not been heeded, and emphasizing that, without significant progress towards heeding those calls of the international community, the situation of human rights in Myanmar will continue to deteriorate,

Deeply concerned also at restrictions to effective and genuine participation of the representatives of the National League for Democracy, other political parties,

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[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex.

[3] See *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 53* and corrigendum (A/65/53 and Corr.1), chap. I, sect. A.

[4] Ibid., chap. II, sect. A.

[5] S/PRST/2007/37 and S/PRST/2008/13; see *Resolutions and Decisions of the Security Council, 1 August 2007-31 July 2008*.

[6] SC/9662 and SC/9731.

[7] A/65/367.

[8] A/65/368 and A/HRC/13/48.

pro-democracy actors, ethnic minorities and other relevant stakeholders in a genuine process of dialogue, national reconciliation and transition to democracy,

Calling upon the Government of Myanmar to cooperate with the international community in order to achieve concrete progress with regard to human rights and fundamental freedoms, and political processes,

Deeply regretting that the Government of Myanmar did not take the necessary steps to ensure a free, fair, transparent and inclusive electoral process, noting in particular in this respect the restrictions imposed by the electoral laws as enacted and implemented by the Government, including those placed on the registration of voters, parties and candidates, as well as the detention of political activists, the restrictions on free reporting and on freedom of assembly, the limited access to media, funding and campaigning possibilities, the reported incidents of official intimidation, the cancellation of elections in certain ethnic areas, and the lack of independence of the electoral commission, and expressing serious concern about reports of fraud, including through advance voting arrangements,

1. *Strongly condemns* the ongoing systematic violations of human rights and fundamental freedoms of the people of Myanmar;

2. *Welcomes* the release of Daw Aung San Suu Kyi following the most recent period of her arbitrary house arrest, and, noting that her release is unconditional, calls on the Government of Myanmar to ensure that no restrictions are placed on the exercise of all her human rights and fundamental freedoms in the future;

3. *Strongly urges* the Government of Myanmar, while also noting the earlier release from house arrest of U Tin Oo, the Vice-Chairman of the National League for Democracy, to release all other prisoners of conscience, currently estimated at more than 2,100, including the Chairman of the Shan Nationalities League for Democracy, U Hkun Htun Oo, the leader of the 88 Generation Students Group, U Min Ko Naing, and one of the founders of the 88 Generation Students Group, Ko Ko Gyi, without delay and without conditions, and to allow their full participation in the political process, and strongly calls upon the Government of Myanmar to reveal the whereabouts of persons who are detained or have been subjected to enforced disappearance and to desist from further politically motivated arrests;

4. *Reaffirms* the essential importance of a genuine process of dialogue and national reconciliation for a transition to democracy, regrets, in this regard, that the Government of Myanmar did not seize the opportunity to develop a substantive and meaningful dialogue with Daw Aung San Suu Kyi, and calls on the new Government of Myanmar to take immediate measures to undertake a genuine dialogue with Daw Aung San Suu Kyi and all other concerned parties, civil society groups and ethnic groups, and to permit them to consult freely among each other and with other domestic stakeholders;

5. *Strongly regrets* that the Government of Myanmar did not hold free, fair, transparent and inclusive elections and refused to allow international election observers and independent foreign or local journalists to freely monitor or report on the voting, and calls on the Government to begin an inclusive post-election phase, including through meaningful dialogue and the participation of representatives of all groups in the political life of the country, within the framework of a transition to a

civilian, legitimate and accountable system of government, based on the rule of law and respect for human rights and fundamental freedoms;

6. *Strongly calls upon* the Government of Myanmar to lift restrictions on the freedom of assembly, association and movement and the freedom of expression, including for free and independent media, including through the openly available and accessible use of Internet and mobile telephone services, and ending the use of censorship, including the use of restrictive laws to prevent the reporting of views critical of the Government;

7. *Expresses grave concern* at the continuing practice of arbitrary detentions, enforced disappearances, rape and other forms of sexual violence, torture and cruel, inhuman or degrading treatment or punishment, and urges the Government of Myanmar to undertake without further delay a full, transparent, effective, impartial and independent investigation into all reports of human rights violations, and to bring to justice those responsible in order to end impunity for violations of human rights, and, regretting that previous calls to that effect have not been heeded, calls on the Government to do so as a matter of priority and, if necessary, drawing on the assistance of the United Nations;

8. *Calls upon* the Government of Myanmar to undertake a transparent, inclusive and comprehensive review of compliance of the Constitution and all national legislation with international human rights law, while fully engaging with democratic opposition, civil society groups, ethnic groups and other stakeholders, while recalling once more that the procedures established for the drafting of the Constitution resulted in a de facto exclusion of opposition groups from the process;

9. *Urges* the Government of Myanmar to ensure the independence and impartiality of the judiciary and to guarantee due process of law, and to fulfil earlier assurances made to the Special Rapporteur on the situation of human rights in Myanmar to begin a dialogue on judicial reform;

10. *Expresses concern* about the conditions in prisons and other detention facilities, and consistent reports of ill-treatment of prisoners of conscience, including torture, and about the moving of prisoners of conscience to isolated prisons far from their families where they cannot receive food and medicine;

11. *Expresses deep concern* about the risk of further armed conflict in some areas as a result of continued pressures imposed by the national authorities on certain ethnic groups and the exclusion of some key ethnic political parties from the election process, and calls upon the Government of Myanmar to protect the civilian population in all parts of the country and for all concerned to respect existing ceasefire agreements;

12. *Strongly calls upon* the Government of Myanmar to take urgent measures to put an end to continuing grave violations of international human rights and humanitarian law, including the targeting of persons based on their belonging to particular ethnic groups, the targeting of civilians as such in military operations, and rape and other forms of sexual violence, and to end impunity for such acts;

13. *Also strongly calls upon* the Government of Myanmar to end the practice of systematic forced displacement of large numbers of persons within their country and other causes of refugee flows into neighbouring countries;

14. *Expresses its concern* about the continuing discrimination, human rights violations, violence, displacement and economic deprivation affecting numerous ethnic minorities, including, but not limited to, the Rohingya ethnic minority in Northern Rakhine State, and calls upon the Government of Myanmar to take immediate action to bring about an improvement in their respective situations, and to grant citizenship to the Rohingya ethnic minority;

15. *Urges* the Government of Myanmar to provide, in cooperation with the Office of the United Nations High Commissioner for Human Rights, adequate human rights and international humanitarian law training for its armed forces, police and prison personnel, to ensure their strict compliance with international human rights law and international humanitarian law and to hold them accountable for any violations thereof;

16. *Calls upon* the Government of Myanmar to consider ratifying and acceding to remaining international human rights treaties, which would enable a dialogue with the other human rights treaty bodies;

17. *Also calls upon* the Government of Myanmar to allow human rights defenders to pursue their activities unhindered and to ensure their safety, security and freedom of movement in that pursuit;

18. *Strongly calls upon* the Government of Myanmar to put an immediate end to the continuing recruitment and use of child soldiers in violation of international law by all parties, to intensify measures to ensure the protection of children from armed conflict, to pursue its collaboration with the Special Representative of the Secretary-General for Children and Armed Conflict, to swiftly conclude and implement the new joint action plan for the national armed forces, to facilitate access for dialogue on action plans with other parties listed in the annual report of the Secretary-General on children and armed conflict, and to allow unrestricted access to all areas where children are recruited for these purposes;

19. *Notes with appreciation* the prolongation of the supplementary understanding between the International Labour Organization and the Government of Myanmar to eliminate the use of forced labour, and that some steps, particularly in relation to awareness-raising, have been taken with regard to it, but expresses grave concern at the continuing practice of forced labour, and calls on the Government to intensify its cooperation with the International Labour Organization on the basis of the understanding, with a view to extending action against forced labour as widely as possible throughout the country and to fully implementing with urgency the recommendations of the Commission of Inquiry of the International Labour Organization;

20. *Welcomes* the agreement between the Government of Myanmar and the United Nations on a two-year joint humanitarian initiative for Northern Rakhine State, and, in view of ongoing humanitarian needs throughout the country, encourages the Government to ensure that such cooperation is extended to other regions;

21. *Calls upon* the Government of Myanmar to ensure timely, safe, full and unhindered access to all parts of Myanmar, including conflict and border areas, for the United Nations, international humanitarian organizations and their partners, and, taking into account the need for a swift facilitation of requests for visa and in-country travel permission, encourages the Government to build on the experience of the Tripartite Core Group and to continue its cooperation to allow humanitarian

assistance to reach all persons in need throughout the country, including displaced persons;

22. *Encourages* the Government of Myanmar to resume its humanitarian dialogue with the International Committee of the Red Cross and to allow it to carry out its activities according to its mandate, in particular by granting access to persons detained and to areas of internal armed conflict;

23. *Encourages* the Government of Myanmar to continue to cooperate with international health entities on HIV/AIDS, malaria and tuberculosis;

24. *Reaffirms its full support* for the good offices of the Secretary-General pursued through his Special Adviser on Myanmar, consistent with the report of the Secretary-General on the situation of human rights in Myanmar,[9] and urges the Government of Myanmar to cooperate fully with the good offices mission, including by facilitating the visits of the Special Adviser to the country and granting him unrestricted access to all relevant stakeholders, including the highest level of leadership within the army, political parties, human rights defenders, representatives of ethnic groups, student leaders and other opposition groups, and to respond substantively and without delay to the proposals of the Secretary-General, including the establishment of a United Nations office in support of the mandate of the good offices;

25. *Welcomes* the role played by countries neighbouring Myanmar and members of the Association of Southeast Asian Nations in support of the good offices mission of the Secretary-General;

26. *Welcomes also* the continued contribution of the Group of Friends of the Secretary-General on Myanmar in support of the work of the good offices mission;

27. *Urges* the Government of Myanmar to respond favourably to the Special Rapporteur's requests to visit the country, and to cooperate fully with him in the exercise of his work as mandated by the Human Rights Council, and to implement the four core human rights elements recommended by the Special Rapporteur;

28. *Calls upon* the Government of Myanmar to engage in a dialogue with the Office of the United Nations High Commissioner for Human Rights with a view to ensuring full respect for all human rights and fundamental freedoms;

29. *Welcomes* the recent workshop held in cooperation with the Office of the United Nations High Commissioner for Human Rights in view of the upcoming universal periodic review by the Human Rights Council, and encourages the Government of Myanmar to seek further technical cooperation in the preparation of the universal periodic review and to cooperate fully and constructively throughout the process;

30. *Requests* the Secretary-General:

(a) To continue to provide his good offices and to pursue his discussions on the situation of human rights, the transition to democracy and the national reconciliation process with the Government and the people of Myanmar, involving all relevant stakeholders, including democracy and human rights groups, and to offer technical assistance to the Government in this regard;

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[9] A/65/368.

(b) To give all necessary assistance to enable the Special Adviser and the Special Rapporteur to discharge their mandates fully, effectively and in a coordinated manner;

(c) To report to the General Assembly at its sixty-sixth session, as well as to the Human Rights Council, on the progress made in the implementation of the present resolution;

31. *Decides* to continue the consideration of the question at its sixty-sixth session, on the basis of the reports of the Secretary-General and the Special Rapporteur.

Draft resolution III
Situation of human rights in the Islamic Republic of Iran

The General Assembly,

Guided by the Charter of the United Nations, as well as the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other international human rights instruments,

Recalling its previous resolutions on the situation of human rights in the Islamic Republic of Iran, the most recent of which is resolution 64/176 of 18 December 2009,

1. *Takes note* of the report of the Secretary-General submitted pursuant to resolution 64/176,[3] which highlights further negative developments in the human rights situation in the Islamic Republic of Iran, including an intensified crackdown on human rights defenders and reports of excessive use of force, arbitrary detentions, unfair trials and allegations of torture;

2. *Expresses deep concern* at serious ongoing and recurring human rights violations in the Islamic Republic of Iran relating to, inter alia:

(a) Torture and cruel, inhuman or degrading treatment or punishment, including flogging and amputations;

(b) The continuing high incidence of and dramatic increase in death sentences carried out in the absence of internationally recognized safeguards, including public executions, notwithstanding a circular from the former head of the judiciary prohibiting public executions;

(c) The continuing imposition and carrying out of the death penalty against persons who at the time of their offence were under the age of 18, in violation of the obligations of the Islamic Republic of Iran under the Convention on the Rights of the Child[4] and the International Covenant on Civil and Political Rights;[5]

(d) The imposition of the death penalty for crimes that lack a precise and explicit definition, including *moharabeh* (enmity against God), or for crimes that do not qualify as the most serious crimes, in violation of international law;

(e) Stoning and suspension strangulation as methods of execution, and the fact that persons in prison continue to face sentences of execution by stoning, notwithstanding a circular from the former head of the judiciary prohibiting stoning;

(f) Pervasive gender inequality and violence against women, a continued crackdown on women's human rights defenders, arrests, violent repression and sentencing of women exercising their right to peaceful assembly and continuing discrimination against women and girls in law and in practice;

(g) Continuing discrimination and other human rights violations, at times amounting to persecution, against persons belonging to ethnic, linguistic, recognized

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[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] A/65/370.

[4] United Nations, *Treaty Series*, vol. 1577, No. 27531.

[5] See resolution 2200 A (XXI), annex.

religious or other minorities, including, inter alia, Arabs, Azeris, Baluchis, Kurds, Christians, Jews, Sufis and Sunni Muslims and their defenders;

(h) Increased incidents of persecution against unrecognized religious minorities, particularly members of the Baha'i faith, including attacks on Baha'is, including in State-sponsored media, increasing evidence of efforts by the State to identify, monitor and arbitrarily detain Baha'is, preventing members of the Baha'i faith from attending university and from sustaining themselves economically, the confiscation and destruction of their property, the vandalizing of their cemeteries and the sentencing of seven Baha'i leaders to ten years' imprisonment despite being repeatedly denied the due process of law that they are constitutionally guaranteed, including the right to timely and adequate access to legal representation of their choice and to a fair and open trial;

(i) Ongoing, systemic and serious restrictions of freedom of peaceful assembly and association and freedom of opinion and expression, including those imposed on the media, political opponents, human rights defenders, lawyers, journalists, Internet providers, Internet users, bloggers, clerics, artists, academics, students, labour leaders and trade unions, from all sectors of Iranian society;

(j) The continuing harassment, intimidation and persecution, including by arbitrary arrest, detention or disappearance, as well as violent repression of, inter alia, political opponents, human rights defenders, lawyers, journalists and other media representatives, Internet providers, Internet users, bloggers, clerics, academics, students and labour leaders from all sectors of Iranian society, noting in particular the continuing harassment and detention of staff members of the Defenders of Human Rights Centre;

(k) The continuing use of State security forces and Government-directed militias to forcibly disperse Iranian citizens engaged in the peaceful exercise of freedom of expression and freedom of peaceful assembly and association;

(l) Severe limitations and restrictions on the right to freedom of thought, conscience, religion or belief, including arbitrary arrest, indefinite detention and lengthy jail sentences, for those exercising this right, and the arbitrary demolition of places of worship;

(m) Persistent failure to uphold due process of law, and violations of the rights of detainees, including defendants held without charge or held incommunicado, the systematic and arbitrary use of prolonged solitary confinement, the lack of access to legal representation of their choice, the refusal to consider granting bail to detainees, as well as reports of detainees being subjected to torture, harsh interrogation techniques and the use of pressure exerted upon their relatives and dependants, including through arrest, to obtain false confessions that are then used at trials;

(n) Continuing arbitrary or unlawful interference by State authorities with the privacy of individuals in particular related to private homes, and with their correspondence, including voicemail and e-mail communications, in violation of international law;

3. *Expresses particular concern* at the failure of the Government of the Islamic Republic of Iran to conduct any comprehensive investigation or to launch an accountability process for alleged violations in the period following the presidential

elections of 12 June 2009, and reiterates its call upon the Government to launch a process of credible, independent and impartial investigations into reports of human rights violations and to end impunity for such violations;

4. *Calls upon* the Government of the Islamic Republic of Iran to address the substantive concerns highlighted in the report of the Secretary-General and the specific calls to action found in previous resolutions of the General Assembly, and to respect fully its human rights obligations, in law and in practice, in particular:

(a) To eliminate, in law and in practice, amputations, flogging and other forms of torture and other cruel, inhuman or degrading treatment or punishment;

(b) To abolish, in law and in practice, public executions and other executions carried out in the absence of respect for internationally recognized safeguards;

(c) To abolish, pursuant to its obligations under article 37 of the Convention on the Rights of the Child[4] and article 6 of the International Covenant on Civil and Political Rights,[5] executions of persons who at the time of their offence were under the age of 18;

(d) To abolish the use of stoning and suspension strangulation as methods of execution;

(e) To eliminate, in law and in practice, all forms of discrimination and other human rights violations against women and girls;

(f) To eliminate, in law and in practice, all forms of discrimination and other human rights violations against persons belonging to religious, ethnic, linguistic or other minorities, recognized or otherwise, to refrain from monitoring individuals on the basis of their religious beliefs, and to ensure that the access of minorities to education and employment is on a par with that of all Iranians;

(g) To implement, inter alia, the 1996 report of the Special Rapporteur on religious intolerance,[6] which recommended ways in which the Islamic Republic of Iran could emancipate the Baha'i community, and to accord the seven Baha'i leaders held since 2008 the due process of law and rights that they are constitutionally guaranteed, including the right to adequate legal representation and the right to timely, fair and open legal proceedings;

(h) To end the harassment, intimidation and persecution of political opponents, human rights defenders, labour leaders, students, academics, journalists, other media representatives, bloggers, clerics, artists and lawyers, including by releasing persons imprisoned arbitrarily or on the basis of their political views;

(i) To end restrictions placed on Internet users and Internet providers that violate the rights of freedom of expression, association and privacy;

(j) To end restrictions on the press and media representatives, including the selective jamming of satellite broadcasts;

(k) To end the use of State security forces and Government-directed militias to forcibly disperse Iranian citizens engaged in the peaceful exercise of their rights to freedom of expression, peaceful assembly and association;

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[6] See E/CN.4/1996/95/Add.2.

(l) To uphold, in law and in practice, procedural guarantees to ensure due process of law;

5. *Also calls upon* the Government of the Islamic Republic of Iran to strengthen its national human rights institutions in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights ("the Paris Principles");[7]

6. *Further calls upon* the Government of the Islamic Republic of Iran to consider ratifying or acceding to the international human rights treaties to which it is not already a party, to effectively implement those human rights treaties to which it is already a party and to withdraw any reservations it may have made upon signature or ratification of other international human rights instruments where such reservations are overly general, imprecise or could be considered incompatible with the object and purpose of the treaty;

7. *Calls upon* the Government of the Islamic Republic of Iran to cooperate fully with all international human rights mechanisms, and encourages the Government of the Islamic Republic of Iran to continue exploring cooperation on human rights and justice reform with the United Nations, including the Office of the United Nations High Commissioner for Human Rights;

8. *Expresses deep concern* that, despite the Islamic Republic of Iran's standing invitation to all thematic special procedures mandate holders, it has not fulfilled any requests from those special mechanisms to visit the country in five years and has left unanswered the vast majority of the numerous and repeated communications from those special mechanisms, and strongly urges the Government of the Islamic Republic of Iran to fully cooperate with the special mechanisms, including facilitating their visits to its territory, so that credible and independent investigations of all allegations of human rights violations can be conducted;

9. *Strongly encourages* the Government of the Islamic Republic of Iran to seriously consider all of the recommendations put forward at its universal periodic review, with the full and genuine participation of civil society and other stakeholders;

10. *Strongly encourages* the thematic special procedures mandate holders to pay particular attention to, with a view to investigating and reporting on, the human rights situation in the Islamic Republic of Iran, in particular the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on freedom of religion or belief, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on violence against women, its causes and consequences, the Independent Expert on minority issues, the Working Group on Arbitrary Detention, the Working Group on Enforced or Involuntary Disappearances and the Working Group on Discrimination against Women in Law and in Practice;

[7] Resolution 48/134, annex.

11. *Requests* the Secretary-General to report to it at its sixty-sixth session on the progress made in the implementation of the present resolution, including options and recommendations to improve its implementation, and to submit an interim report to the Human Rights Council at its sixteenth session;

12. *Decides* to continue its examination of the situation of human rights in the Islamic Republic of Iran at its sixty-sixth session under the item entitled "Promotion and protection of human rights".

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Agenda item 68 (d)

Promotion and protection of human rights: comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action

Report of the Third Committee*

Rapporteur: Mr. Asif **Garayev** (Azerbaijan)

1. At its 2nd plenary meeting, on 17 September 2010, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-fifth session, under the item entitled "Promotion and protection of human rights", the sub-item entitled "Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action" and to allocate it to the Third Committee.

2. The Third Committee considered the sub-item at its 20th and 21st meetings, on 19 October 2010. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/65/SR.20 and 21).

3. For the documents before the Committee under this sub-item, see document A/65/456.

4. No proposals were submitted under this sub-item.

* The report of the Committee on this item is being issued in five parts, under the symbol A/65/456 and Add.1–4.

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